

**Opening Statement  
Chairman Mark Souder**

**“International Maritime Security”**

**Subcommittee on Criminal Justice, Drug Policy  
And Human Resources  
Committee on Government Reform**

**December 13, 2005**

I appreciate Mr. Shay's efforts in organizing this hearing, and I look forward to addressing this important subject. The security of the world's shipping lanes is a global issue that impacts global economic growth and stability. The United States needs to ensure that the oceans are safe for lawful private and public activities.

In October 2005, the Department of Homeland Security, in collaboration with the Department of Defense and Department of State announced the completion and final approval of the eight plans to promote maritime security. As we will hear today, one of these plans, the Maritime Operational Threat Response Plan, aims to coordinate the U.S. Government's response to threats against the United States and its interests on the high seas by establishing roles and responsibilities that enable the government to respond quickly and decisively. The plan identifies the lead U.S. agency for incidents that involve U.S. citizens or interests, including counterterrorism operations, the detection, interdiction and disposition of targeted cargo, people, and vessels; and attacks of vessels with U.S. citizens aboard or those affecting U.S. interests anywhere in the world. This new plan and process establishes the protocols and procedures for achieving a coordinated response and ensuring a desired outcome.

I look forward to discussing these maritime security issues today with representatives from the Department of Defense, the Coast Guard and the Federal Bureau of Investigations, and hearing about the progress and improvements we have made with regards to maritime threats and response capabilities.

Piracy and criminal acts against ships are not only happening in action-adventure films. These incidents occur regularly within the Maritime Domain. According to the most recent International Maritime Organization's crime report (July through September 2005), which compiles reports for the worldwide maritime industry, in the last three month report period there were 27 crew members that were held hostage and/or kidnapped, 15 crewmembers were assaulted, the fate of 11 crewmembers was unknown, 7 crewmembers were injured, and 1 ship and 2 tug boats and barges were hijacked or missing. All of these incidents within a three month period.

The cruise ship industry is not immune to piracy or criminal activity. On November 5, 2005, the Bahamian flagged cruise ship SEABOURN SPIRIT was approached by two armed small boats about 100 miles off the coast of Somalia. The cruise ship was apparently able to

thwart their attackers by maneuvering to avoid being boarding, but only after rocket-propelled grenades were fired by the pirates. The SEABOURN SPIRIT had 43 U.S. citizens on board.

The FBI reports that from fiscal year 2000 through June 2005, they opened 305 cases addressing crimes on the high seas. Over the past 5 years, sexual assaults made up 45% of the cases and physical assaults were 22% of the cases on cruise ships that were reported to the FBI. Missing persons cases comprised 10% of the cases opened and death investigations made up 8% of the reported cases.

As common as these crimes are, the U.S. Government's response to crimes in the Maritime Domain is often times complicated and the investigations are prolonged. In the case of cruise ships, most are foreign-flagged and thus fall outside of U.S. law enforcement jurisdiction when not in a U.S. port, and within U.S. territorial seas. Consequently, U.S. federal law enforcement agencies are required to seek permission from the ship's flag-state before they can board the vessel, and begin a criminal investigation. The U.S. Government's response can also be dependent upon the type of crime that was committed, the location of the ship when the crime was committed, the nationality of the subject or victim, and the United States' relationship with other affected countries.

Once a crime has been discovered or reported on board a cruise ship, any delay in preserving evidence can potentially lead to the loss of evidence. I hope to learn today what responsibilities the cruise ships bear in preserving the crime scene and any related evidence until U.S. federal law enforcement officials arrive on board and can begin investigating the incident?

Cruise ships are often compared to self-sustaining floating cities. If the vast majority of passengers on board the cruise ship are American citizens, is there a need for the U.S. Government to require a continuous U.S. law enforcement presence onboard these mobile cities?

I look forward to discussing whether jurisdictional conflicts are a major impediment to the security of U.S. citizens while traveling on foreign flagged vessels, and if Congress needs to change the laws to better protect U.S. citizens.

I would like to thank the panels today for your participation, and we look forward to your testimony and insight into this important topic. Additionally, I would like to thank the families of those who have been victimized on cruise ships for being here today, and for submitting written statements for the record.